



# Senate

General Assembly

February Session, 2008

**File No. 537**

Senate Bill No. 604

*Senate, April 9, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***AN ACT CONCERNING HATE CRIMES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-58 of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2008*):

4 (a) It shall be a discriminatory practice in violation of this section for  
5 any person to subject, or cause to be subjected, any other person to the  
6 deprivation of any rights, privileges or immunities, secured or  
7 protected by the Constitution or laws of this state or of the United  
8 States, on account of religion, national origin, alienage, color, race, sex,  
9 sexual orientation, blindness or physical disability.

10 (b) Any person who intentionally desecrates any public property,  
11 monument or structure, or any religious object, symbol or house of  
12 religious worship, or any cemetery, or any private structure not owned  
13 by such person, shall be in violation of subsection (a) of this section.  
14 For the purposes of this subsection, "desecrate" means to mar, deface

15 or damage as a demonstration of irreverence or contempt.

16 (c) Any person who places a burning cross or a simulation thereof  
17 on any public property, or on any private property without the written  
18 consent of the owner, shall be in violation of subsection (a) of this  
19 section.

20 (d) Any person who places a noose or a simulation thereof on any  
21 public property, or on any private property without the written  
22 consent of the owner, and with intent to intimidate or harass any other  
23 person on account of religion, national origin, alienage, color, race, sex,  
24 sexual orientation, blindness or physical disability, shall be in violation  
25 of subsection (a) of this section.

26 [(d)] (e) Any person who violates any provision of this section shall  
27 be guilty of a class A misdemeanor, except that if property is damaged  
28 as a consequence of such violation in an amount in excess of one  
29 thousand dollars, such person shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	46a-58

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill expands discriminatory practices<sup>1</sup> to include placing a noose or simulation of one on private property without the owner's written consent or on public property with the intent to intimidate or harass someone.

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential minimal revenue gain from criminal fines and potential minimal cost for incarceration and/or probation supervision in the community exist.<sup>2</sup> State revenues from additional program fees<sup>3</sup> assessed for the hate crimes diversion program are anticipated to be minimal under the bill.

#### **The Out Years**

<sup>1</sup> Committing a discriminatory practice is punishable by a fine of up to \$2,000 and/or up to one year in prison; however, if property damage greater than \$1,000 results, a discriminatory practice is punishable by a fine of up to \$5,000 and/or up to five years in prison.

<sup>2</sup> Few offenses are anticipated under the bill: over the last six complete fiscal years for which data are available, there have been two cases disposed of under CGS 46a-58(a) – neither one of which resulted in conviction of discriminatory practice.

<sup>3</sup> In accordance with CGS 54-56a(e), the program fee is \$425.

The annualized ongoing cost for incarceration/probation identified above would continue into the future subject to inflation; the annualized ongoing revenue gain from criminal fines and program fees identified above would remain relatively constant into the future since the fine and fee amounts are set by statute.

**OLR Bill Analysis****SB 604*****AN ACT CONCERNING HATE CRIMES.*****SUMMARY:**

This bill makes it a discriminatory practice to place a noose or simulation of one (1) on public property or on private property without the owner's written consent and (2) with intent to intimidate or harass someone based on religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.

Committing a discriminatory practice is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both. If property damage over \$1,000 results, it is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both. It is also a class D felony if the person commits the violation (1) while wearing a mask, hood, or other device designed to conceal his identity and (2) intends to deprive another person of any legally guaranteed right because of his religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability (CGS § 53-37a).

EFFECTIVE DATE: October 1, 2008

**BACKGROUND*****Discriminatory Practices***

By law, it is a discriminatory practice to:

1. deprive someone of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability;
2. intentionally desecrate any public property, monument, or structure; religious object, symbol, or house of worship;

cemetery; or private structure; or

3. place a burning cross or simulation of one on public property or on private property without the owner's written consent.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/24/2008)